

Newsletter

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Welcome to the June issue of our monthly newsletter! This is a complimentary service to clients and friends of the Firm to keep you informed of immigration law developments that may affect you or your organization. Please contact Munsch Hardt's Immigration Team with your comments and questions.

DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

U.S. Citizenship and Immigration Services (USCIS) has started issuing redesigned Permanent Resident Cards (i.e., "Green Cards") and Employment Authorization Documents (EADs) under its secure identification document program. The new cards display their holders' photos on both sides, contain a unique graphic image and color pattern (Statue of Liberty and mostly green palette for Green Cards, and a bald eagle and predominantly red palette for EADs), have embedded holographic images, and do not display the holder's signature. Green Cards no longer have an optical stripe on the back. Importantly, there is no requirements for the Green Card and EAD holders to replace their existing documents with the newly adopted cards; rather, both the old and the new document formats remain valid through their expiration date. Individuals with Green Cards that do not list an expiration date are advised to apply for a replacement document bearing an expiration date as the new cards are more secure and less vulnerable to fraud and tampering.

USCIS has extended Temporary Protected Status (TPS) for eligible nationals and residents of Haiti through January 22, 2018 due to the continued effects of the January 2010 earthquake in that country. Current beneficiaries of Haiti's TPS designation who wish to extend their TPS must re-register by July 24, 2017 and may request a new EAD. The EADS of those who re-register and request a new EAD during the 60-day re-registration period are eligible for an automatic extension of their expiring EAD for up to 180 days. Current EADs are not automatically extended without a new EAD request.

DHS has rescinded the November 20, 2014 President Obama administration memorandum that created Deferred Action for Parents of American and Lawful Permanent Residents ("DAPA") and provided certain work authorization opportunities for the affected categories of U.S. residents. The June 15, 2012 memorandum that created DACA and provided opportunities for the young people that arrived to the U.S. illegally as children, remains in effect.

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NEWS:

Timely and consistent I-9 compliance which is frequently referenced in this newsletter and multiple other immigration resources, acquired new significance for a small staffing company in Minnesota. Upon receipt of a Notice of Inspection (NOI) requiring to present all of its I-9 forms for current and former employees, the business turned over a number of I-9 forms to ICE within the allotted three day period. However, the company subsequently discovered additional I-9 forms in its files and delivered them to ICE on two separate dates outside the three day compliance period. The government determined that the I-9 forms were not presented in a timely fashion and penalized the company by \$500 to \$600 fine for each belatedly presented form. The overall penalty assessed for the failure to prepare or timely present I-9 forms was set at \$185,000. The company was

additionally fined for the I-9 Forms deficiencies with the total penalties demanded by the government in excess of \$275,000. The company's error with the timing of I-9 files delivery to the government appears to stem from the I-9 forms upkeep practices – i.e., the files were split between several corporate locations. Better (and safer) practice is to maintain all I-9 files at the company's headquarters.

DEPARTMENT OF STATE (DOS) UPDATE:

The July 2017 DOS Visa Bulletin "Final Action" chart for employment-based preference cases contains some important updates as we head into the tenth month of FY2017. The DOS maintains the January 1, 2012 cut-off date EB-1 Priority Workers for China and India. EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for China and India continues their steady movement by advancing 3 weeks to cut-off dates of March 22, 2013 and July 22, 2008, respectively. EB-3 "Skilled Workers/Professionals for All Chargeability areas, Mexico, and El Salvador/Guatemala/Honduras progresses 1 ½ months to a cut-off date of June 8, 2017. EB-3 Philippines advances 1 year to a cut-off date of May 15, 2014 while the EB-3 China cut-off date retrogressed 2 years to January 1, 2012. Please review next month's newsletter for the latest update and contact your immigration counsel with questions and to plan immigration proceedings filing based on the Bulletin data.

Related Practices

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